

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

This document relates to:

**BETTY ESCUEDERO, on Behalf of the
Estate of MARIA E. AVENDANO, et al.,**

CASE NO. 06CV5204

Plaintiff,

V.

PFIZER, INC.,

Defendant.

STIPULATION AND ORDER OF DISMISSAL WITHOUT PRE-JUDICE

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendant that the Complaint of Plaintiff Betty Escuedero on Behalf of the Estate of Maria E. Avendano, only, part of Case No. 06CV5204, is hereby dismissed without prejudice:

1. Plaintiff is Betty Escuedero, on Behalf of the Estate of Maria E. Avendano;
Defendant is Pfizer, Inc.:

2. On August 24, 2006, Plaintiff sued Defendant;
3. Plaintiff moves to dismiss only her claims against Defendant;
4. Defendant has not answered these claims;
5. This case is not a class action;
6. A receiver has not been apointed to this action;
7. Plainitff has not dismissed an action based on or including the same claims as

those present in this suit.

8. Should Plaintiff or a representative of Plaintiff attempt to refile her claims against defendant, they shall do so only by filing in Federal Court..

Respectfully submitted:

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4 Dated: Sept 5, 2006
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17 *Defendant's Liaison Counsel*

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT PLAINTIFFS' DUELL
20 and DONNA NICHOLAS' CLAIMS ARE DISMISSED.
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23 Dated: September 8, 2006
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